

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 14th day of September, 2000.

PRESENT: Mayor Tim Smith
 Commissioner Mary Lawson Brown
 Commissioner Hernan Azula
 Commissioner Ish Edwards

ABSENT: Commissioner James Norwood, Jr.

ALSO PRESENT: City Manager Allen R. Bush, City Attorney Edward E. Hedstrom, City Clerk Betsy Jordan Driggers, Finance Director Ruby Williams, Planning Director Adam Mengel, Police Lt. Robin Edwards, Assistant Fire Chief James White, Fire Marshall John Holley, Acting Water Sewer & Streets Supt. Sam Willis.

INVOCATION: The Reverend Bob Bronkema, Pastor; First Presbyterian Church

PLEDGE OF ALLEGIANCE: John Holley

APPROVAL OF MINUTES – July 14, 2000 call; August 17, 2000, August 23, 2000 – Commissioner Azula moved to approve the minutes as read. Commissioner Edwards seconded the motion, which passed unopposed.

PROCLAMATION – Mayor Smith issued a proclamation in honor of Christian Men’s Week, Sept. 17 – 23, 2000, and presented it to Rev. Scott Downing and the entire Christian Men’s Association, who were all in attendance.

HABITAT FOR HUMANITY – on behalf of its officers and Board of Directors, Don Peterman presented Mayor Smith a plaque in appreciation to the City of Palatka for its generous and continuous support for their mission. He invited the Commission to participate in the January blitz build when they try to build four houses in five days.

PUBLIC COMMENTS – Michelle Jeansonne, 506 Emmett Street, inquired as to the reason the City has apparently tripled her tax bill since the prior tax year. Commissioner Edwards said that apparently the Putnam County Tax Assessor’s office had redetermined the values on all the homes in the historic districts, as his assessment also went up drastically. He said that since she had recently purchased her home, the tax assessors’ office could raise the taxable value on her home to meet the full market value and charge her accordingly. If she homesteaded her home, she now falls under the 3% restriction. Her taxable value can go up no more than 3% per year unless she has new construction. Mayor Smith said the City’s tax millage rate is actually going down, so the City’s millage rate is not to blame for the increase. Ms. Jeansonne said people like her should not be penalized for going into a blighted area and improving the homes they are buying. She hopes she can hold on to this home now that the taxes have tripled.

PUBLIC HEARING – TRIM Calendar – Tentative Budget and Proposed millage rate - Mr. Bush said the proposed millage rate of 6.907 represents a 0% increase over the rolled-back rate. Mayor Smith opened the public hearing.

a. LEVY ORDINANCE #00-21 - the Clerk read Ordinance #00-21 entitled AN ORDINANCE LEVYING TAXES FOR THE YEAR 2000 TO RAISE THE NECESSARY REVENUE TO DEFRAY THE EXPENSES OF THE CITY OF PALATKA FOR THE FISCAL YEAR 2000-2001 in its entirety. Commissioner Azula moved to place Ordinance #00-21 on its 1st reading. Commissioner Edwards seconded the motion. There being no further discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards and Mayor Smith, Yes; Nays, none. Ordinance #00-21 was placed on its 1st reading.

b. APPROPRIATION ORDINANCE #00-22 – The Clerk read Ordinance #00-22 entitled AN ORDINANCE MAKING AN APPROPRIATION OF MONIES FOR THE OPERATING EXPENSES OF THE CITY OF PALATKA FOR THE GENERAL ADMINISTRATION OF THE SEVERAL GOVERNMENTAL DEPARTMENTS OF

THE CITY, AND FOR CONTRIBUTING TO THE SEVERAL SINKING FUNDS OF THE CITY, PAYING INTEREST ON AND PROVIDING FOR THE RETIREMENT OF THE OUTSTANDING BONDS AND OTHER FIXED OBLIGATIONS OF THE CITY, AND FOR PALATKA GAS AUTHORITY, FOR AND DURING THE FISCAL YEAR, A.D., 2000-2001. Commissioner Brown moved to place Ordinance #00-22 on its 1st reading. Commissioner Azula seconded the motion. There being no discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards and Mayor Smith, Yes, Nays, none. Ordinance #00-22 was placed on 1st reading.

PUBLIC HEARING – CDBG Application cycle F/Y 2000-2001

a. **APPOINTMENT OF CITIZENS ADVISORY TASK FORCE** – Commissioner Brown moved to appoint Commissioner Edwards as Commissioner Liaison to the Citizens Advisory Task Force and to reappoint the remainder of the 1999-2000 CDBG-CATF as the Citizens Advisory Task Force for the CDBG economic development grant application cycle for Fiscal Year 2000-2001. Commissioner Azula seconded the motion, which passed unopposed. Commissioner Brown said this is the first committee she worked on upon becoming a commissioner. For the record, the members of the task force are Larry Beaton, Marjorie Shanks, Bob Beacham, Allegra Kitchens, Bentley Gibson, James Williams, Jr., and Wilbert McCoy.

b. **PUBLIC HEARING** – Fred Fox, Fred Fox Enterprises, said during a CDBG grant application cycle the City can conceivably apply for a neighborhood, housing or commercial grant, and once received, the grant must be completed before they can apply for another. Currently a neighborhood grant for the 15th Street drainage work is underway and accordingly, the City is ineligible to apply to any of those three categories. The fourth category, economic development, allows one application per year. The City applied for and received a grant for International Cuisine during last year's cycle, and even though that is still in place the City is eligible to apply for another grant for the 2000-2001 cycle. The Walmart Corporation has approached him about making application for an economic development grant to provide infrastructure via water and sewer lines at the new facility on Hwy 19. The specifics would be up to the City's engineers. There are also extensive roadway requirements that have not been met. If he is advised to proceed he will return to the 2nd meeting in October to provide the details on the project. Another area you could use these funds is to address drainage water flowing over a site. None of this will be a direct loan to Walmart, but will strictly be grant money to aid in the construction of infrastructure on public r/w for public use. If there is anyone else who wishes to participate in this program, they will need to come forward and make their wishes known. If the Commission directs him to proceed with Walmart, the City will not be able to apply for another grant until the next application cycle, which will open in March or April of 2001. Commissioner Brown said she thought Walmart had committed to making the roadway improvements necessary for the ingress and egress for their Supercenter. Mayor Smith said they can put in an additional outlet further south on Hwy 19 not included in Walmart's plans, which may alleviate the issues with Moody Road. Commissioner Brown asked if Moody Road is in the City Limits; Mr. Bush said parts are, but the road is county maintained. Commissioner Brown said she brought back the grant for Front Porch, and they have to leverage off of something else to get this work done. She wants to make sure this work will be done within a year's time so it will be out of the way. Mr. Fox said you can apply for one of these each year; it does not have to be finished to apply for another. In order to receive an economic development grant, it has to be tied to a development, create jobs as a result of the work, and be tied to private investment as part of the match. The City will realize growth potential by looping this water line into their system. Mr. Bush said the water line will run down 3rd Avenue and the sewer line will run down Corbett Road. Mayor Smith said he is not aware of anyone else waiting in the wings to apply for one of these grants, and March is not that far away. If this will improve the City's system, and will provide for future growth, he would like to discuss it further. They would like to have these same discussions with the riverfront developers. Commissioner Brown said the US Dept. of Commerce has money for infrastructure and enhancement, which will help with the waterfront development. There are things in the immediate downtown area that need to be addressed. Commissioner Azula moved to allow Fred Fox to begin preliminary discussions with Walmart Corp. for a possible CDBG economic development grant application for the f/y 2000-2001 cycle.

Commissioner Brown seconded the motion, which passed unopposed. Commissioner Brown said the CDBG housing money is beginning to dwindle and she wants the Commission to be aware of this. The state is going to force them to put more emphasis on housing and repair of housing. They need to look at doing some housing before those dollars disappear. Mr. Fox said the Federal Government has been telling them for the last 5-10 years they are going to start enforcing lead-based paint requirements, but the State has put it off, and is no longer doing so. They can get enough funds, including SHIP, to replace the units, so bottom line if they are going to do housing, they need to come up with \$150,000 - \$200,000, and SHIP is the logical source. The County has given them money to work on other things, but they haven't revised their guidelines to allow for replacement. Commissioner Brown said the Affordable Housing Study Commission has been studying Palatka's Comprehensive Plan, and they want to add stronger language to mandate housing.

FAIR HOUSING WORKSHOP – Fred Fox said this is part of the requirements of the ongoing grants they have now. The federal government requires them to hold at least two Fair Housing Workshops per year associated with the application, and at least one needs to be held before Council, which this evening's workshop will satisfy. The purpose is to advise that in 1983 the City of Palatka passed a Fair Housing Ordinance. It has since been amended in 1985 and 1990. This ordinance says that the City forbids real estate professionals to discriminate against people for any reason within the City of Palatka. If anyone feels they have been discriminated against in any rental or home finance situation due to their ethnicity, they can come to the City and file a grievance. The City has provisions within the ordinance to make an investigation, and if it is a warranted complaint, it can be turned over to the State Attorney's office, which can prosecute it. People are not precluded from going to the State or Federal levels to make complaints. Copies of the ordinance are available to anyone who would like one. There being no further discussion, Vice Mayor Brown closed the workshop.

PUBLIC HEARING – Yellow Cab of Putnam County, Inc. – application to transfer Certificate of Public Convenience and Necessity to Charles Wellborn, new owner, and to approve rate structure. Charles Wellborn, owner, said he has purchased the business from J. R. Owens and would like the Commission to transfer the Certificate to his name and to approve his rate schedule. Commissioner Edwards moved to transfer the existing Certificate of Public Convenience for Yellow Cab of Putnam County to Charles Wellborn, and to approve his rate structure as submitted. Commissioner Azula seconded the motion. Vice Mayor Brown opened the floor for discussion. There being none, the question was called and the motion passed unopposed.

PROPOSED RIVERFRONT MARINA – Allen Zirkelbach, Zirkelbach Construction, said Jeremy Craft has been instructed to pursue the Butler Act and has filed a pre-application with the State. He has met with State representatives and listened to their stipulations, and his formal application should be completed and submitted by the end of the month. The City will receive a copy of the final application. There was some 'static' with the coastal communities regarding any development on the waterfront, which has slightly subsided enough for them to allow the application to be filed and heard. The State has 90 days to accept or deny the Butler Act after its has been properly submitted.

Mr. Zirkelbach brought and displayed pictures of the Palmetto Marina, which is similar to the proposed riverfront marina in many ways. The pictures depicted the marina in various stages of development, from the initial phase of 98 slips to today's marina of 350 slips. The infrastructure was in place initially. Palmetto's marina has changed the lifestyle and quality of life in Palmetto for the better, and the town has had a development boom uncharacteristic of a city of its kind. He likened the marina to an anchor store in a mall development. This type of development attracts professional type people and firms as well as retail activities. They propose a development for Palatka similar to the Palmetto development. The slips were installed in phases, and as each phased rented they constructed more slips. He gave the high points of Palmetto's economic growth surrounding the marina. Palatka and Palmetto are very similar with similar dynamics. He pointed out a street on which most of the buildings were boarded up and closed, which is now revitalized, fully occupied and a popular location with higher rents than on US Hwy 41, the main thoroughfare through town. He displayed a 'footprint' of their

proposed development along the Riverfront, Memorial Drive, Laurel and St. Johns Avenue. The 100 block 'mall' building shows a first floor concerned with marina slip rentals and brokerage, and a second floor hotel and third floor offices. They would like to save the majority of the buildings in place. The building on 2nd & St. Johns cannot be saved. The project will depend upon local support. It will not survive strictly on tourism. He addressed accommodation of festivals and the Palatka Yacht Club. The hotel would be small; 60 – 100 rooms. They want a place of character, not volume. Total build-out will take many years. They are cautious and slow. Redevelopment of the entire downtown will take time. This marina will be the catalyst. He introduced Harry Van Der Noord, his father-in-law and partner, to go over the financial requirements.

Harry Van Der Noord, business partner, said they are not a non-profit organization. The marina they acquired in Palmetto was non-profit and boarded up at the time. It took an entrepreneurial-type spirit to carry this development off. There are risks and challenges in everything. They know going into this project there will be no return on their investment for years to come. They began the Palmetto Regatta Point in 1988 and they are just now beginning to show a profit after 12 years of hard work and substantial investments. They have learned along the way and would like to apply those lessons in Palatka. The city now owns the land, and the state owns the land under water. The Butler Act is a vehicle to turn ownership of submerged lands over to a private individual or other government body if certain things can be proved. The application is underway and they don't know how long it will take. Palatka cannot turn ownership of land over that they do not own. There are other things they can be working on, on faith that they will eventually get the land. They can negotiate a long-term lease with the State. The City of Palmetto negotiated a 99-year lease with the State on their land. They lease from the City of Palmetto for \$500/year, who in turn leases the land from the State for the same \$500/year. The first item they are looking for is long-term ownership preferably in a deed; if that cannot be accomplished, then in a long-term lease.

The second item is the area they will work with. There are site plans in place and he does not need to go in to that further; the City is aware of the area they are looking at. The third item to address is funding assistance. The City has sources through state and federal government for low-interest money. The fourth item is a non-competition agreement so the City cannot in the future develop their own marina, which would be in direct competition with this proposed marina. They also need to make clear this is a phased project; they would like to install 50 slips every two or three years. It depends on how fast the slips rent. The same principle would apply to the shops. The project could take 20 years to complete. The sixth item is help with tax abatements until the project becomes profitable. These are the basic requirements outlined in their letter. They have tried to address the interests of each organization with an interest in the riverfront development. They have made their proposal and would like to move forward. He asked the Commission to study these requests and come back with with a starting point with which to begin negotiations.

Mayor Smith expressed thanks to Mr. Zirkelbach and Mr. Van Der Noord for their presentation. Twenty years is not that long a time; in Palatka's past there were several thousand hotel rooms in the City, which was a popular travel location. Cities have to revamp themselves and their missions, and he believes this is the direction the city needs to go. This will be the cultural and economic center of the City. They took steps towards this many years ago when they started acquiring property along the riverfront with the foresight that the riverfront would be for the people and not for commercial development. They acquired the 100 block for commercial development. He believes they should approach this with a time-line on the different items that should be addressed so these things run concurrently where possible. They would like to enlist the help of the Chamber to address these points. The City Manager should address these items and begin to develop some guidelines and options he can bring to the Commission, who will assist in whatever way they can. Unfortunately, the City is limited in its resources. Commissioner Brown said the County should be included in tax abatement issues. Mayor Smith said the County Commission seems to be in favor of this. The new Mayor-Elect is behind this effort. They will get the long-term support in place. The Commission supports this approach and will work with due diligence to address these issues, and will come back in a formal setting and make an offer in the form of a motion.

Mr. Van Der Noord said they understand the reluctance of citizens to dedicate public funds to help private enterprise. This project should be viewed as a joint venture between public and private sectors. Private investors won't touch projects of this nature because they do not show a profit for many years. Public environments do have to be maintained, kept in good repair and managed, and this costs money. They are not taking public money and putting it in their pockets. They enjoy coming to Palatka and meeting the people, and are excited about getting started on this project. Mayor Smith said he believes they can work these issues out to the satisfaction of them and the public they represent. Mr. Zirkelbach asked if they can get a proposal together within the next 60 days. Mr. Bush said he will begin work immediately, and will ask the Chamber to help him put together a presentation to take to the County. He realizes this is a gamble on their part. He asked if the permitting of the marina is part of the Butler Act process; Mr. Zirkelbach said it is. They will have a permit for the use of the submerged land and the permitting process time line is reduced. They will work with DEP and Corps of Engineers on permitting from that time on. They plan to invest upwards of \$10 million, and in time that figure will go up. They have mulled over this project for quite some time, and feel this is a good investment for them. He will make copies of their photographic presentation for the City to use in its presentation to the County and other civic groups.

REPORTS:

a. Fire Lane Parking Fines – John Holley, Fire Marshall, passed out copies of Florida statutes addressing parking fines and said this is in response to complaints he received from a concerned citizen about people parking in fire lanes in front of her business. He was asked to research the issue of raising the fine or other ways of enforcing the City's ordinance. He passed out ordinances composed by Boca Raton and Ft. Lauderdale addressing a fine structure for parking violations. Palatka can use these as a guideline. FS318.18 outlines a fine of \$30.00 for a non-moving motor vehicle, and explains how this can be charged. He included a breakdown of the various charges such as court costs, etc. Mayor Smith clarified that the complainant believed the fines were not high enough and the ordinance was not being enforced. There are two issues here. Mr. Holley said the FS allows an additional \$3.00 charge dedicated to a firefighter education fund. The complainant says she has informed people there is a \$10.00 fine, and it does not motivate people to move. Fire lanes are established for a reason, and they need to get people's attention. If a car is sitting in a fire lane when a building collapses, they will try to sue someone. Courts have ruled against municipalities in these type cases. He would like blanket news coverage through newspaper, radio and flyers on pending enforcement of the parking regulations concerning fire lanes and then begin aggressive ticketing. After a warning period, they will begin ticketing. Mr. Bush said they have talked about making firefighters code enforcement officers. They would be able to make periodic inspections and be able to ticket offenders. Building & Zoning is prepared to instruct the firefighters on the procedure for code enforcement.

Mr. Holley said he is also recommending raising the fine to a total of \$44.00, \$3.00 of which would go to the City's firefighter education fund. Mayor Smith said that training fee puts the ticket in a bad light. There are two issues here; one is enforcement and the other is the amount of the fine. He sees people who pull in, run in and get one or two things, and run back out. Everyone has done it, but this does not make it right. The violators know they are parking in the wrong place. He suggests the firemen pull up right next to the offending vehicles in their big red fire trucks and when the person comes out, the firemen can speak to them about parking in fire lanes. They can also start writing \$10.00 tickets. If you don't write tickets, people will park there all day. If word starts getting out that tickets are being written, people stop violating parking restrictions. The issue will never end, it just needs to be enforced. He does not want to see the fines raised. He is in favor of the firemen going to shopping centers and putting flyers on windshields notifying people that they are in violation. Mr. Bush asked Mr. Holley to move forward with getting the firefighters certified as code enforcement officers so they can begin writing tickets. To answer the question, Mr. Mengel said this is set up as a non-moving traffic violation. A local ordinance can enact the fines. Mayor Smith said his concern is with local judges' enforcement of code violation fines. Mr. Bush said they usually do not have a problem with parking fines. He recommends they get the firefighters certified and let them periodically go through shopping centers and start

writing citations. After a few citations, people will stop parking in fire lanes. It will take 3 – 4 weeks to certify the firefighters. Mayor Smith said in the meantime they can start putting flyers on cars. Mr. Hedstrom said a few years ago they amended the code and increased the amount of the handicapped parking fine to \$100, based on this same discussion. That fine has been in effect for some time and they have no apparent problem with handicap parking violations. Mr. Bush said he believes the \$10.00 fine will have the same effect on the person who just pulls up to run in to buy a coke and/or loaf of bread.

b. Alcohol sales ban after 12:00 a.m. weekdays and after 2:00 a.m. weekends - Mr. Hedstrom distributed a draft ordinance which would amend Section 10-2 prohibiting sale of beer & wine for consumption of premises in licensed eating establishments between the hours of midnight – 6:00 a.m. weekdays and 2:00 a.m. – 6:00 Saturdays & Sundays. All this does is eliminate the exception for eating establishments with a seating capacity of 75 or more. If you remove the exception, it is automatically prohibited. Mr. Bush said this would affect establishments like Steamboats and Vick's, who stay open and sell beer & wine 'after hours'. According to Chief Dolinski, this is the more enforceable option. Mr. Hedstrom suggested placing the ordinance on 1st reading on September 28 and setting it for public hearing on October 17. Mayor Smith said the affected establishments should be notified of this amendment so they can express their concerns.

c. International Trade Academy – Commissioner Brown said she and Mr. Bush attended this academy last month. The League plans to hold several more of these training academies this year. The first class 'graduated' at this first academy and the academies will get more complicated as they go along. She brought back information on protocol that she can share with other city officials. They learned protocol and met with Japanese and Mexican delegations. There is a quasi-embassy at Orlando's City Hall, which houses representatives from several other countries. They believe this is the future of commerce and they emphasize sister cities. Larger cities have four or five sister cities. She also brought back information on the League's advocacy committee and left a copy of the information in everyone's box. If they have any recommendations on people running for office that have traditionally supported cities and the League's home rule philosophies, please let her know and she will pass that on to the committee.

d. Planning Board recommendation on request to amend the Code to delete occupational license fees for exhibitions of nude dancers and strip shows – Mr. Mengel provided copies of the minutes of that Planning Board meeting and said the Board voted to deny the request. The matter was continued from their August meeting, when they requested Mr. Bush and Mr. Hedstrom appear at their September meeting to answer questions on the intent of the ordinance and fees. Mr. Harris made his presentation based on several differing principals, but the Board voted to deny the request to eliminate the \$1,000 occupational license fee. Mr. Hedstrom said Mr. Harris claimed the fee was unconstitutional and illegal under Florida statutes under the chapter referring to regulatory police power, and what he failed to understand is that the fee is not levied under police power, but is a license fee levied under taxing powers addressed in Chapter 205. They are two entirely different things. If it's a regulatory tax, the cost of the fee has to bear some reasonable relationship to the cost of regulating the industry or business, but if it is strictly a revenue tax under Chapter 205, it does not apply. Commissioner Azula said he still believes the fee is excessive. They are not talking about nudity or anything you can't see at the beach. No one is nude. They are trying to moralize something that is not immoral. It is risqué' and adult entertainment, but no more so than people sunbathing. It does not make any sense to him. The City does not allow nudity. School shows parody strip shows; he asked if the Commission going to charge schools the fee? Mr. Mengel said they do not require schools to apply for any license fee to hold variety shows, or for snack bar/vending licenses for sport functions, or other form of live entertainment. Commissioner Azula said that proves his point. People walking around at the mall wear less. Commissioner Edwards asked why have a fee if they can't enforce it on all applications. Commissioner Brown said it seemed to her he was trying to skirt their ordinances. The reason the ordinance is in place is because when a downtown bar was bringing in 'Chippendale' type shows, the citizens were outraged. The phones rang off the hook. They did not want that activity downtown. This was a wake-up call for this town and the fee was put on the books to keep Palatka and its downtown free from that type of show. Commissioner Azula said they are making people 'outlaws' when they are

not breaking any laws. He does not try to dictate morals. One is not a bad person for going to those places, any more than the person who does not go. The establishments suffer economical loss. There is no nudity, so why are they charging an establishment \$1,000 per day when they aren't violating any ordinance. Commissioner Edwards said according to Commissioner Brown the fee was put in place because the Commission needs to be responsible, but he believes they are only being responsible to the people who don't want it, not the people who do want it. They have to be impartial, and if they keep the fee on the books, they are in effect siding with the people who want the fee. Commissioner Azula suggested reducing the fee to something that will not create an undue hardship. Mr. Hedstrom said when the \$1,000 fee was put in place, there was no nudity ordinance, and if anyone wanted to do a strip show, theoretically they could go all the way nude. That is why the fee was put on the books. Later, the anti-nudity ordinance was passed and it 'guttled' the reason for the \$1,000 because now, no matter what you pay, you can't violate the ordinance. The only justification left for charging someone the fee is the stripping part of it. Commissioner Edwards said now that the nudity ordinance is in place, there is no further need for the fee. Mr. Hedstrom said at the Planning Board meeting he passed out photos from a swimsuit catalogue showing the front and back of some two-piece bathing suites, showing what would comply and what wouldn't. The penalty for violating the nudity ordinance is not a part of the uniform fine schedule; it is a 2nd degree misdemeanor charge, which carries a \$500.00 fine and/or 60 days in jail. He does not see a judge putting anyone in jail over a first violation. Commissioner Azula said he is all for the nudity ordinance, but believes the fee is excessive. You can see worse on network primetime television.

Allegra Kitchens, 1027 S. 12th Street, said the fee is not imposed to try to moralize people, since there is a nudity ordinance in effect. The fee is to slow down or stop strip shows in downtown Palatka. Many large cities have taken similar actions to get strip shows out of certain areas like their downtown, and to keep them confined to certain out-of-the-way areas. This fee serves to deter strip shows, and while she is not necessarily for or against this type show, she believes the ordinance was not put in place to punish Mr. Harris. It was put in place in reaction to the majority of the citizens the Commission represented then, as they do now. The majority of citizens do not want strip shows in downtown Palatka, and it has nothing to do with how nude they get. This is not like a high school variety show or a bikini on the beach. They draw crowds to these establishments who consume alcohol and can cause riot-type situations and traffic problems. Until another ordinance can be established regulating this type show to a certain area of town, the fee should stay on the books. Downtown Palatka should be family oriented. The fee may be excessive, but these places make plenty of money off these strip shows. Mr. Harris said he appeared originally to get the fee waived on a one-time basis because he did not understand about the fee prior to booking his show. He was questioned as to whether or not this was a one-time thing or if he was going to come back and ask for more considerations, and he said he would not. He was back at the next meeting complaining about the fee. They need to take a look at the zoning requirements if they feel like they need to allow strip shows somewhere else inside the City Limits, but they need to keep C-3 zoning family oriented.

Commissioner Brown said when the bar on the next corner from her house held this type of show, people drank more than necessary. If you live in an area where this goes on, it is not a very happy place to live. If they can find another area to designate for strip shows besides downtown Palatka, she can see changing the fine, but they need to keep it out of downtown. They have people like Mr. Zirkelbach bringing in big money to revitalize downtown and it is important the Commission keep the downtown as family and clean enterprise-oriented as possible. Right now on Sundays Levi's has loud parties that rattle the dishes in her cabinets. They want to keep downtown quaint. Commissioner Azula moved to instruct the City Attorney to draw up an ordinance reducing the occupational license fee for exhibitions of nude dancers and strip shows to \$250.00/day. Commissioner Edwards seconded the motion. There being no further discussion, the question was called and the motion failed on a vote of 2/2.

e. Lefty Turner Park Committee Meeting – Commissioner Azula said they held a meeting with Reno Fells, Clarence Williams, Commissioner Brown, Jeff Norton, Fred Lumpkin, Mr. Bush, and himself. There has been a lot of reference to old committees

and new committees and the everyday operation of the Park. After a lengthy discussion, he suggested they have interested parties apply for this committee and the Commission should select 7 members to form a committee. As openings come up, the Commission should act to fill them. Second, they need to devise a set of rules and regulations similar to those they have in place for the Bronson House or the Price Martin Center. Any changes to the rules should come before the Commission. The rental should be reinstated and rented as-is. The City does not have the funding to finish the facilities at this time, but the fee is not excessive. The Clerk should have control over the rentals and the fees should be collected at City Hall. He would like the newspaper put an announcement in asking interested parties to apply for the committee. Mayor Smith asked the Clerk to contact the newspaper to do a story. Commissioner Azula said he would like to notify all previous applicants for this committee that they are re appointing this committee and find out if they are still interested in serving. The biggest problem he sees with the present committee is communication and misunderstanding. The thing to remember is the park is there for the kids. The commission needs to regain control of the park. Commissioner Brown has acquired a VISTA volunteer to man the park. VISTA will pay a student \$600.00/month and give them a stipend of \$5,000 towards their education. This volunteer will oversee the park and rentals, and keep it clean. He understands there are many sets of keys out and the park is not secure. The rental moratorium should be lifted and rentals and collections should be done by the Clerk. Commissioner Brown said she hopes that once they begin to rent the park again, people continue to feel an urgency to get the park completed. They should try to accomplish the necessary work with volunteer help. The fence is up, but the bullpen is not yet finished. The park is really beginning to shape up. Commissioner Brown moved to lift the rental moratorium on Lefty Turner Park and turn the rental and collection of fees over to the City Clerk. Commissioner Edwards seconded the motion, which passed unopposed.

RESOLUTION – The Clerk read a Resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, ASSESSING A LIEN AGAINST CERTAIN PROPERTIES WITHIN THE CITY OF PALATKA, FLORIDA, FOR COSTS INCURRED IN THE ABATEMENT OF NUISANCES PURSUANT TO SECTION 30-32 THROUGH 30-40 OF THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA. This is to place a \$2,300 lien against property at 1306 Washington Street. Commissioner Brown moved to adopt the resolution as read. Commissioner Azula seconded the motion. There being no discussion, the results of a roll-call vote are as follows: Commissioners Azula, Brown, Edwards, and Mayor Smith, Yes, Nays, none. The Resolution was declared adopted.

RESOLUTION – The Clerk read a Resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA ASSESSING A LIEN AGAINST CERTAIN PROPERTIES WITHIN THE CITY OF PALATKA, FLORIDA, FOR COSTS INCURED IN THE ABATEMENT OF NUISANCES PURSUANT TO SECTION 30-32 THROUGH 30-40 OF THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA. This is to place a \$75.00 lien against property at 510 N. 13th Street. Commissioner Edwards moved to adopt the resolution as read. Commissioner Azula seconded the motion. There being no discussion, the results of a roll-call vote are as follows: Commissioners Azula, Brown, Edwards, and Mayor Smith, Yes, Nays, none. The resolution was declared adopted.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BE AMENDED BY REVISING APPENDIX “A” TO SECTION 86-314 AND APPENDIX “A” TO SECTION 86-315 THEREOF, PROVIDING NEW WATER RATE SCHEDULES EFFECTIVE OCTOBER 1, 2000, BOTH WITHIN AND OUTSIDE THE CITY LIMITS, AND PROVIDING AN EFFECTIVE DATE. Commissioner Azula moved to place the ordinance on 1st reading. Commissioner Edwards seconded the motion. Mr. Bush said this is the 3rd year they are raising the rates per the bond resolution adopted in 1998 to resolve the inflow/infiltration. The increases decline over a period of four years. This is a 2-1/2% increase. Next year’s 2% increase will end the mandatory increases. There being no further discussion, a roll-call vote was taken with the following results: Commissioner Azula, Brown, Edwards and Mayor Smith, Yes; Nays, none. The ordinance was placed on 1st reading.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA BE AMENDED BY REVISING APPENDIX “A” TO SECTION 86-344 AND APPENDIX “A” TO SECTION 86-345 THEREOF, PROVIDING NEW SEWER CHARGES EFFECTIVE OCTOBER 1, 2000, INSIDE AND OUTSIDE THE CITY LIMITS RESPECTIVELY, AND PROVIDING AN EFFECTIVE DATE. Commissioner Azula moved to place the ordinance on 1st reading. Commissioner Edwards seconded the motion. There being no discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards, and Mayor Smith, Yes; Nays, none. The ordinance was placed on 1st reading.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, VACATING ORDINANCE NO. 00-07 ADOPTED JANUARY 27, 2000, REMOVING FIREFIGHTERS FROM THE CITY EMPLOYEES’ RETIREMENT PLAN AND CREATING THE FIREFIGHTERS’ RETIREMENT PLAN; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to place the ordinance on 1st reading. Commissioner Edwards seconded the motion. There being no discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards, and Mayor Smith, Yes; Nays, none. The ordinance was placed on 1st reading.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY REMOVING FIREFIGHTERS FROM THE CITY EMPLOYEES’ RETIREMENT PLAN AND CREATING THE FIREFIGHTERS RETIREMENT PLAN; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to place the ordinance on 1st reading. Commissioner Azula seconded the motion. There being no discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards, and Mayor Smith, Yes; Nays, none. The ordinance was placed on 1st reading.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY REVISING SECTION 2-162, DEFINITION OF FINAL AVERAGE COMPENSATION, AND PROVIDING AN EFFECTIVE DATE. Commissioner Edwards moved to place the ordinance on 2nd reading for adoption. Commissioner Brown seconded the motion. Commissioner Azula asked why the ordinance is being changed. Mr. Bush said this was previously changed from best 5 to best 3 years, and the current definition is complicated and requires the years to be consecutive. While negotiating with the firefighters on their pension ordinance, they discovered it was difficult for many of them to find a three-year period where they did not have a break in service due to worker’s comp. This changes the definition from consecutive years to piecing together the best three of the last five years, and they are extending that same definition to the other two plans. There being no further discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards and Mayor Smith, Yes, Nays, none. The ordinance was declared adopted.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA BY REVISING SECTION 2-170(b), BENEFIT GROUP GENERAL PENSION AMOUNT FORMULA, AND PROVIDING AN EFFECTIVE DATE. Commissioner Edwards moved to place the ordinance on 2nd reading for adoption. Commissioner Brown seconded the motion and asked for an explanation of the ordinance. Mr. Bush said this changes the multiplier on the pension from 2.15 to 2.25, and the employees are paying an additional ½ percent towards the cost, for a total weekly deduction of 5.5%. The City will pick up the remainder. A vote was taken on whether employees would be willing to pay extra for this benefit, and it was almost unanimous. There being no further discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards and Mayor Smith, Yes, Nays, none. The ordinance was declared adopted.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY REVISING SECTION 2-170(e), EFFECT OF RE-EMPLOYMENT; AND PROVIDING AN EFFECTIVE DATE. Commissioner Edwards moved to place the ordinance on 2nd reading for adoption. Commissioner Brown seconded the motion. Mr. Bush said this allows retirees who come back to work for the City to suspend their pension and begin accruing more time towards their pension multiplier while working for the City. There being no further discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards and Mayor Smith, Yes, Nays, none. The ordinance was declared adopted.

CONSENT ITEMS: Staff recommendations:

- a. Award contract for the R. C. Willis WTP Telemetry System to Bristol Babcock, Inc. based on their bid of \$59,950.00
- b. Award contract for the City Lot Renovations to Palatka Welding based on their bid of \$21,545.00.
- c. Appoint Rick A. Leonardi as the 5th member to the Police Pension Board for a two-year term to expire September, 2002, per Police Pension Board Request.

Commissioner Edwards moved to approve the consent items as recommended by Staff. Commissioner Azula seconded the motion, which passed unopposed.

RESOLUTION – The Clerk read a Resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE MAYOR TO AUTHORIZE, ACCEPT AND EXECUTE ON BEHALF OF THE CITY OF PALATKA, FLORIDA, A NON-DECLARED DISASTER RELIEF FUNDING AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, AND NAMING DESIGNATED AGENTS. Commissioner Edwards moved to adopt the resolution as read. Commissioner Brown seconded the motion. There being no discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards, and Mayor Smith, Yes; Nays, none. The resolution was declared adopted.

OCTOBER, NOVEMBER & DECEMBER, 2000 MEETING SCHEDULE: Mr. Bush said in October the Clerk will be gone the entire week of the first regular meeting and he will be gone the week of the 2nd regular meeting. After discussion, Commissioner Brown moved to hold one meeting per month to be held on October 17, November 9 and December 14. Commissioner Edwards seconded the motion, which passed unopposed.

This ends the items on the agenda.

COMMISSIONER REPORTS:

Commissioner Brown:

- Said she learned that Mr. Huey Page has been very sick and she would like the Commission to issue a resolution honoring him. He chaired the CATF for a time and worked for the City, and his father, William, was a master builder and remodeled the James Hotel. They have contributed a lot to the community and William was shot at trying to get people registered for the vote. She would like to do this at the next meeting. Mayor Smith asked her to get the pertinent information to the Clerk so she can compose the proper resolution.
- Thanked the commission for purchasing space in the Riverboat calendars; she will get copies to the commissioners when they come in. They are selling them for \$5.00 each. The Committee is getting ready to send out an update packet.

Commissioner Azula:

- Said the City Hall parking lot is in terrible shape and something needs to be done about it. Mr. Bush said it is on the paving list.

Commissioner Edwards:

- Said he had previously resigned from the NEFLC Board, but can now serve if needed. Commissioner Azula said he has been appointed to that board, but has not yet been officially appointed. Ms. Driggers said she has been waiting for the County to notify

them of the vacancy so they can recommend him to the Board; NEFLC will not accept the nomination unless it comes from the County. She received a letter a few days ago asking for the nomination, and will reply to it notifying them of the Commission's choice of Commissioner Azula. Commissioner Edwards said his point is that he now has the time to serve on that Board if Commissioner Azula doesn't. Commissioner Azula said he has the time and is looking forward to that service.

Mayor Smith:

- Said the material that is being ripped out of the houses that are being renovated in the South Historic District is being piled up on the curb for regular garbage pick-up. He thought they were required to rent a dumpster for construction debris. It's a lot of work for the claw truck. Mr. Bush said if the City has to go pick it up, the customer is billed for it. Mayor Smith said he is happy to see the construction work, but the claw does not pick up all the plaster and nails. They need to use a dumpster.

Mr. Bush said the paving contractors are back at work today and are paving S. 13th Street; they will be starting on Emmett and Kirby soon. Commissioner Brown asked if the work on 15th Street is going to help with the flooding on 13th and 14th Street. Sam Willis said there is a plan in place to supplement the CDBG work. Mr. Bush said the lowest point is where they replaced the line and the water builds up in that area. Once the work is complete the water will flow much quicker.

Ms. Driggers said the employee picnic is still scheduled for October 6, and she asked for suggestions on activities. They have scheduled a baseball game and 3-point contest. Commissioner Edwards added horseshoes.

There being no further business to discuss, the meeting was adjourned.

CITY CLERK

MAYOR